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Remark:

First of all, the applicant wishes to express his most sincere thanks for the examiner to withdraw the final status of the last office action. This arrangement provides an opportunity for the applicant to regroup the claims to better fit with the previously allowed claims wording, which had been modified in subsequent responses for some other reasons. Claims 6, 8-9 had been previously "proposed" to be cancelled in applicant's after final response dated November 17, 2005. These three claims had then been "proposed" to be reinstated and amended in another after final response dated 01/02/06. Proper reorganization of the claim numbers according to the patent rules is therefore desirable to avoid potential confusion in the legality of the pending claims in the future.

Claim 10-12 previously allowed in various office actions dated 11/26/04; 02/22/05; 03/16/05; 09/02/05; 11/29/05 are now rejected under U.S.C. 103(a) as being unpatentable over Markman. The applicant agrees with the view of the latest office action that Markman's device is used in a "garment inventory system", and that dry cleaning business may arrange hangers in front of one another. The office action overlooks an extremely important characteristic recited in the subject claims. Claim 10 to 12 recites a "retail package" having at least two garment hangers "packaged" together, and with a display tag positioned behind a first hanger and in front of a second hanger. Markman disclosed a completely different structure that each hanger comes with its own display tag dressed to the suspension member of the hanger. For two hangers arranged together in the inventory system, there will be two tags, one on each hanger. It is very obvious to a person having ordinary skill in the art that Markman as a whole did not disclose a package of retail hangers as claimed. It is a fact that the structure of Markman is also NOT suitable for retail of hangers as claimed. Furthermore, if hangers of Markman are "packaged" together, the resulted package will fail to serve the functional requirement of Markman's invention requirement for servicing the inventory system of dry cleaners, that is for each tag to identify the garment supported by each hanger. A rejection U.S.C. 103(a) should consider EVERY limitation of the claim (the package characteristic) and the combination should not render the cited reference unworkable. The rejection of claims 10-12 are respectfully requested to be withdrawn.

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The office action did not precisely indicated the ground of rejection of claim 13. Therefore the office action dated 02/15/2006 is incomplete. Accordingly the next office is respectfully requested not to be set final until the exact grounds of rejection of claim 13 is explicitly identified.

Claim 12, 14-17 are rejected under 35 U.S.C. 112, second paragraph. The office action indicated that it is not clear how fasteners attach two points of the garment hanger through the use of a tape or a flap folded from the display tag. Interpretation of the subject claims are to be govern by reading the specification together with the drawings. The collective generic term "fastening means" or fasteners of claims 12, 14-17 to secure the display tag with a hanger are represented any, or a collection of the cable tie 116, 117 of Figure 2, the tapes or strips 222, 223 of Figure 5 and the flap 227 of Figure 5. In the embodiment 110 of Figure 2, one attachment point of the hanger is defined by the position of the cable tie 116 and the second point is defined by the position of the cable tie 117. In the embodiment of Figure 5, three attachment points are defined by the location of the flap 227 and the tapes, strips or straps 222, 223 respectfully. How these fasteners can be used to attach the display tag with the hangers are clearly demonstrated the specification, such as page 8, lines 8-13; Figure 3; page 9, lines 12-20 and Figure 6. It should also be noted that none of the subject claims recited that the fasteners is limited to a flap and a flap is required to attach to two points of a hanger as in the discussion of claim 13 in the office action. Although claim 13 was discussed in the office action, the rejection under 35 U.S.C. 112, second paragraph refers explicitly only to claims 12 and 14-17. It seems that claim 13 was "intentionally" omitted under this ground of rejection. Clarification about the precise ground of claim 13 is therefore respectfully requested. In order to improve the clarity of claim language, the term "tape" of claims 15 and 16 are amended to be replaced by the term "strap" to be more in line with the term used in the specification. Since the operation of the fasteners are now identified, rejection of claim 12, 14-17 under 35 U.S.C. 112, second paragraph is respectfully solicited to be withdrawn.

Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markmen in view of Johansson. The characteristics of claims 15 and 16 over Markmen and Johansson are not the tape but the transparent or match color straps that provides a substantial full frontal view of the hangers – an unique design goal of the subject

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application. None of Markmen nor Johansson demonstrate a motive, or desire to apply a fastener of transparent or match color with the hanger body. Obviously the office action derived the design choice of specifying transparent or match color fasteners after reading the design motive of the subject application.

If the rejections of the amended claims 15 and 16 based on 35 USC 103 are to be maintained, the applicant respectfully requested the elaboration on the "Official Notice" taken with respect to the design goal of providing a substantial full frontal view of retail garment hangers, so as to specify transparent or match color fasteners. As stated in precedent court cases *In re Sun*, 31 USPQ 2d 1451, 1455 (Fed. Cir. 1993),

Finally, appellants seemingly argue that the examiner's lack of citation to support the asserted level of skill in the art makes the rejections improper per se. This is so, appellants suggest, because without such citation, there is no record by which they can argue that the examiner erred.

The following is a quotation from 37 C.F.R. 1.107(b):

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Accordingly, applicant courteously requested that if the rejection is maintained, the Examiner provide an affidavit under 37 C.F.R. 1.107 (b) providing citation regarding level of skill in the art and why it is appropriate to take the "Official Notice" stated.

Claim 31 is a rearranged claim corresponds to the previously allowed claim 6 of office action dated 11/28/04. It also corresponds to the latest claim 6 before it is now cancelled. Claim 33 is a rearranged claim corresponds to the previously allowed claim 8 of the office action dated 09/02/05 and the latest claim 8 before it is now cancelled. Claim 34 corresponds to latest objected claim 9 before it is now cancelled.

Previous claim 8, now corresponds to claim 33 was rejected under 35 U.S.C. 103(a) as unpatentable over Rahmey. The office action is correct that the design of Rahmey

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works for adjustable garment hanger. However, this assertion does not mean that the designs disclosed in Figures 2 and 5 of the subject invention, specialized for adjustable garment hanger packaging is taught by Rahmey because they apply different design structures. It is respectfully submitted that the display tag of Rahmey is supported by the suspension member 32, and not by the supporting arms as claimed. Because the office action lacks citation to support motive of attaching the display tag to the supporting arms of the hanger, the applicant courteously requested that if the rejection is maintained, the Examiner provide an affidavit under the teaching of precedent court case *In re Sun* and the requirement of 37 C.F.R. 1.107 (b) regarding level of skill in the art and why it is appropriate to take the "Official Notice" stated.

Previous claim 6, now corresponds to claim 31 was rejected under 35 U.S.C. 102(b) as being anticipated by Rahmey. Both the applicant and the examiner understood the differences between the display tag of Rahmey and that of Figure 2 of the subject application. The applicant and the examiner had spent a lot of time to discuss and settle for the proper term to define the substantial display area 112 above the hanger arm as disclosed in the embodiment of Figure 2. It seems the examiner still feels that the terms "vertically above", or "on top of" the hanger arm are still applicable to the design of Rahmey, which actually provides a substantial display area around the medial portion of the hanger. Under the FACT that the design of Figure 2 and that of Rahmey are completely different, it is a question that what should be the proper term to define the substantial display area of the tag in Figure 2, for it to be distinguished from that of Rahmey. According claim 31 is now amended to recite that the claimed display tag should have a substantial display area positioned vertically above and also extending along one or both of said supporting arms. A rejection under 35 U.S.C. 102(b) requires EVERY claimed features to be clearly disclosed in the cited reference. The amended claim 31 now distinctly define the design of Figure 2 away from the design of Rahmey. Rejection of claim 31 as anticipated by Rahmey under 35 U.S.C. 102(b) is respectfully requested to be withdrawn.

Claims 14, 17-21 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Rahmey. Claim 14 to 21 had been previously allowed in five different office actions dated 11/26/04; 02/22/05; 03/16/05; 09/02/05; 11/29/05 under the characteristic that Rahmey did not disclose a full frontal view of the retail hanger. These allowed claims

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were reversed in the after final advisory notice dated 11/29/2005 that the fasteners obscure part of the hanger in the package, and a precise full frontal view was therefore not possible. Both the examiner and the applicant understands the differences and the merits of the subject application over the design of Rahmey. Subsequent telephone conference settled on the term "substantial frontal view" for the subject design to define over Rahmey. It seems the office action dated 02/15/2006 is not comfortable with this compromise. According the specification and the subject claims are amended to define the term "substantial full frontal view" so as to clearly distinguish the almost full frontal view of the hanger packaging of Figures 2 and 5 from that of Rahmey. Rejection of claims 14, 17-21 under 35 U.S.C. 102(b) is now respectfully solicited to be withdrawn. Concerning claim 28, It is submitted that the two holes near the bottom area 80 of Rahmey serves no function for supporting the display tag 64 to the hangers of Rahmey, neither Rahmey provided any supporting indicate the function of these two holes. For a rejection under 35 U.S.C. 102(b), every claimed feature, no matter how small must be clearly disclosed in the cited reference. Obvious Rahmey does not disclose the two holes positioned for attaching the display tag to the hangers as demonstrated in Figure 1 and Figure 4 of the subject application. Accordingly rejection of claims 28 under 35 U.S.C. 102(b) is now respectfully solicited to be withdrawn.

The specification are amended to clearer defining the "full frontal view" disclosure of the specification as objected by the after final advisory notice dated 11/29/2005 and also to unify the term "strap" as an embodiment of a fastener in Figures 5 and 6. All these features had been properly presented in the original specification and claims. It is respectfully submitted that the subject amendments did not add any new matter to the novelty of the disclosure.

Claim 34, corresponds to objected claim 9 is also solicited to be allowed.

It should be noted that formal drawings had been submitted in the response dated 01/20/2006. In the Application Papers section of the latest office action, it had not been indicated if the formal drawings received are accepted or objected. Since no objection was raised, the applicant is assuming the drawings are accepted as proper by the examiner.

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Finally, the condition of this patent application is now quite straight forward and both the applicant and examiner had spent tremendous time, effort and resources to fine tune the allowable subject matters. It is about the time to finalize the proper wordings adequate to address the novel subject matters. Since the novel areas claimed by the subject invention are now clearly identified and fully understood by the examiner, and that the structures of the cited prior art are distinguishable from that of the subject invention, full allowance of the pending claims is respectfully solicited. If further amendment is required for the application to be allowed, the Examiner is respectfully requested to propose broadest allowable claim or specification amendment to the application pursuant to MPEP 707.07(j)

Respectfully submitted,



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I hereby certify that this correspondence is being fax to the United States Patent and Trademark Office via the fax number 571-273-8300 on June 14, 2006.


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